

Local Law Filing

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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one:)

of TULLY

Local Law No. 1 of the year 20²⁴

A local law PHASE 1 TOWN OF TULLY ZONING LAW UPDATES
(Insert Title)

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of TULLY

as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

A local law entitled Phase 1 Town of Tully Zoning Law Updates

PURPOSE; LIMITED REPEALER , REPLACEMENT AND UPDATE.

A. Pursuant to the authority conferred by Article X XVI the Town Law of the State of New York, and for each and every purpose specified in such Article, the Town Board of the Town of Tully hererby repeals in part certain existing zoning and related laws, ordinances, resolutions and amendments to them and hereby enacts the following replacements and additions regulating the location and use of buildings, structures in land for trade, commercial, and other purposes.

B. This Law is adopted generally for the following purposes:

1 To promote the health, safety and general welfare of the community.

2 To reduce congestion on streets and highways and prevent the overcrowding of land.

3 To facilitate the adequate provisions of transportation, water, sewage disposal schools, parks and other services.

4 To consider and conserve the value of property.

5 To establish zones where regulations concerning the use of land and structures, the density of development, the amount of open space that must be maintained, and other provisions will be set forth to encourage the most appropriate development of the Town recognizing where appropriate the policies and objectives set forth in the recently updated and adopted Town Comprehensive Plan.

C. On July 12, 2023 the Town of Tully adopted an updated Comprehensive Plan as developed by a committee established by the Town Board.

The Comprehensive Plan listed a number of priority action items one of which was to update as necessary and appropriate, zoning district and use regulations to accommodate the communities desired types and locations of commercial and industrial establishments. It called for updating land-use regulations and

procedures and to enhance the general appearance of commercial and industrial lands.

To that end the Town applied for and was awarded a New York State DOS Smart Growth Grant for zoning updates. A Committee was established, which met on a regular basis to review the existing regulations. An open house was held for public input. Recommendations were made for updating the commercial and industrial portions of the Town zoning regulations by the Committee. Also, Barton and Loguidice, an engineering firm, was retained by the Town to aid in this process.

S-6, the Town of Tully Zoning Map, is hereby amended to reflect the changes set out in Phase 1 Town of Tully Zoning Law Updates. The Town Engineer is directed to make these changes and prepare a new and updated Zoning Map. Further, Tax Parcel 114.-01-01.0 which in part was shown on the existing Zoning Map as a Commercial Industrial Use District, a District which does not exist under the Tully Zoning Law and in part as Business B-1, is now reclassified in its entirety as an Industry IND District.

§ 280-4.B Definitions.

Addition of the following definitions:

AUTOMOTIVE REPAIR SHOP — A lot for the primary use of repair, servicing, or inspection of motor vehicles, and which lot includes a principal building supporting the use and wherein any individual vehicles awaiting service do not occupy any space on the lot for greater than 60 days, and wherein the occupant of the lot is registered for such repair activity with the New York State Department of Motor Vehicles.

GASOLINE SERVICE STATION — means a building, lot, structure, or facility having pumps and storage tanks where fuel, gasoline, oil or other similar products are dispensed, sold or offered for sale at retail only and may include accessory uses such as car washes, food marts or small grocery.

RETAIL OR PERSONAL SERVICE USE — A commercial activity characterized by the direct on-premises sale of goods and services within the building to the ultimate consumer, generally involving stock-in-trade such as are normally associated with department stores, food markets, shops and similar establishments. This term shall also include personal service shops such as barbershops, beauty salons and dry-cleaning or laundry services of less than 4,000 square feet gross floor area.

WAREHOUSE — A building used for storage on either a wholesale or retail basis.

§ 280-6.D Use districts.

Repeal and replace with:

- D. Description of districts; intent. Land use control districts in the Town of Tully have been established in furtherance of the Town's Comprehensive Plan and for the purpose and intent described below.
- (1) Agriculture A-1 District. The intent of the A-1 District is to designate areas where agricultural productivity is high in most locations and where farming is the predominant and desired use of land. Other compatible land uses in this district could include a limited amount of low-density, single-family housing and other activities that are closely related to production-agriculture. Land use regulations are intended to encourage maximum retention of productive farmland while supporting a limited amount of low-density, single-family housing. Clustering (See definitions.) is encouraged where possible.
 - (2) Agriculture A-2 District. The intent of the A-2 District is to designate areas where farming, extensive wooded areas and other natural resources are predominant and desired land use activities. Farm-related agricultural businesses located in this district are also suitable. Nonagricultural development, primarily scattered low-density, one family housing, has occurred and is appropriate in the future. Land use regulations and development criteria are aimed at maintaining the effective operation of productive farms, supporting farm-related business and scattered or clustered (See definitions.), low-density, single-family housing and preventing serious environmental degradation and land use inconsistencies.
 - (3) Residential R-1 District. The intent of the R-1 District is to designate areas where concentrations of low-density, primarily one-family housing, are located and are the expected and desired future developmental character. In most areas, larger parcels can be subdivided into residential lots. Regulations and restrictions in the R-1 District are intended to limit the extent of future development, to encourage clustering of lots as a method of preserving open space and environmentally sensitive areas, and to minimize the number of nonresidential land uses that can be established.
 - (4) Residential R-2 District. The intent of the R-2 District is to designate areas where proximity to Tully Village could affect future land use and development patterns. A variety of housing types is appropriate and density can be increased when adequate utilities can be provided. Regulations and restrictions in the R-2 District are intended to produce a more concentrated urban setting and to establish neighborhood development characteristics. While public utilities may not yet exist in such areas, R-2 Districts are suitable targets for such services.
 - (5) Residential R-3 District. The intent of the R-3 District is to designate areas where existing lakes and other natural features have produced sustained pressure for residential development that is likely to continue. Single-family housing, both permanent and seasonal, is an appropriate and desired use in these areas, but the absence of utility systems raises concerns about pollution and environmental damage. The transitional presence of agricultural in this district is suitable but can also be a potential source of environmental damage affecting nearby housing concentrations.
 - (6) Business B-1 District. The intent of the B-1 District is to effectively balance retail and commercial businesses that can benefit from proximity to the Town's primary transportation network with the need to protect nearby natural resources, ensure safe and efficient vehicular traffic circulation patterns, and support safe and efficient pedestrian

and bicycle travel. Development restrictions and standards should reflect the unique location of properties within this district and development proposals should be evaluated in terms of design compatibility with surrounding land uses and intensity of development, impacts on the environment and surrounding natural resources, and vehicular traffic volumes and patterns. Review and approval of each development proposal is necessary to promote compatibility between adjacent land uses, to achieve the most efficient use of limited land resources and to minimize adverse environmental impacts.

- (7) Industry IND District. The intent of the IND District is to designate areas with a relatively concentrated mixture of industrial land uses. Flat land, high visibility, good vehicular access to major traffic routes and the potential for railroad service are important considerations for development in the IND District. Various forms of light manufacturing, gas services stations, warehousing, fabrication, assembly, research and development and similar types of land use are appropriate and desired. Because the area of the IND District is limited, development restrictions and standards should focus on businesses and industries that require larger sites and have truck access and transportation needs that are not readily available or safe in other parts of the Town. Review and approval of each development proposal is necessary to promote compatibility between adjacent land uses, to achieve the most efficient use of limited land resources and to minimize adverse environmental impacts.

§ 280-11.C Special authorization by the Planning Board (SPB).

Repeal and replace with:

- C. Special authorization by the Planning Board (SPB). In addition to the general requirements for special authorization, as set forth in Subsection B, specific requirements for special authorization by the Planning Board for certain land use activities, as set forth below, shall also be applicable.
- (1) Dwelling, multifamily, townhouse, retirement housing in R-2 District; Retirement housing in R-1 and R-3 Districts. In R-2 Districts, minimum lot area of 15,000 square feet per dwelling unit is applicable only if it can be demonstrated that an adequate sewage disposal system is to be provided. In other districts, Subsection B shall be applicable.
 - (2) Church and religious use in A-1 and A-2 Districts is permitted when such use is duly registered in the State of New York.
 - (3) Business uses benefiting from good highway access in B-1 and IND Districts is permitted when:
 - (a) Driveways and walkways provide safe access, egress and traffic circulation within the site.
 - (b) The site has direct access to potable water and adequate sewerage with ample capacity for certain intense uses based on demand.
 - (c) Entrance driveways from public roads are no wider than 50 feet and at least 100 feet apart and adequately marked and lighted for safe and efficient access by both vehicles and pedestrians.
 - (d) Opportunities for direct vehicular access to adjacent properties without needing to reenter the highway (service roads, for example) have been examined and evaluated.
 - (e) No structure is placed closer than 50 feet from any adjacent zone boundary or road right-of-way line. Such setback space shall be appropriately landscaped with a combination of trees, shrubs, and/or earthen berms to separate the commercial businesses from existing or future development in the adjacent zone.
 - (f) Access drives and parking areas are landscaped to define spaces and provide visual relief from wide expanses of pavement.
 - (g) The site is designed and operated so that it does not pose potentially adverse impacts on the health of nearby aquifers, streams, lakes or other waterbodies.
 - (h) The site is designed and operated so that it does not produce levels of noise, odors, and lighting that adversely affect adjoining residential properties.
 - (4) Mini-commercial warehouse for self storage in B-1 and IND Districts is permitted when such use is extensively landscaped along front and side boundary lines with a combination of trees, shrubs or earth berms.
 - (5) Commercial animal facility in A-1, A-2 and IND Districts is permitted when such facility is designed and operated so that it does not produce excessive noise and odors that adversely affect adjoining properties.
 - (6) Motel in B-1 and IND Districts is permitted when:

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- (a) No building is located less than 50 feet from an existing residential lot and no off-street parking is located less than 25 feet from a front right-of-way line.
 - (b) Access driveways intersect public roads at approximately 90° and are located no less than 150 feet from the intersection of two right-of-way lines of public roads.
 - (c) Landscaping is provided along road frontages and around parking areas.
- (7) Bed-and-breakfast in A-1, A-2, R-1, R-2 and R-3 Districts is permitted when:
- (a) Off-street parking is located and designed in a manner that is consistent with the visual character of the adjacent neighborhood.
 - (b) Access drives intersect public roads at approximately 90° and are located no less than 50 feet from the intersection of two right-of-way lines of public roads.
 - (c) Landscaping is provided around parking areas.
- (8) Nursery school in A-1, A-2, R-1 and R-2 Districts is permitted when applicable regulations of New York State can be complied with.
- (9) Drive-in or drive-through business in B-1 District is permitted when entrance and exit routes to service windows are clearly marked, service windows face a side or rear yard, safe and adequate stacking space is provided, and landscaping along property lines is provided.
- (10) Gas service station in the IND District is permitted when not adjacent to a residential zoning district, entrance and exit routes to the Town's primary transportation network are safe and clearly marked and lighted, safe and adequate parking is provided on site such that it does not conflict with truck traffic and circulation, and landscaping along property lines is provided.
- (11) Warehouse in the B-1 and IND Districts is permitted when such use is extensively landscaped along the front and side with a combination of trees, shrubs, or earth berms. A warehouse is not permitted in a B-1 or IND Districts when the site is adjacent to a residential neighborhood in the Town of Tully. No outside storage is allowed at a warehouse facility unless properly screened, subject to review and approval by the Planning Board after Site Plan Review.
- (12) Off-site parking facility in all districts is permitted when:
- (a) Access and exit driveways are clearly defined and no less than 150 feet from the intersection of two right-of-way lines of public roads.
 - (b) Landscaping is provided along lot lines and as needed to define parking spaces and access and egress routes thereto.
- (13) Automotive repair shop in the IND District.

§ 280 Attachment 2

Repeal and replace with:

280 Attachment 2

Town of Tully Schedule I

Schedule of Land Uses or Activities Town of Tully

P = Permitted as of right (except when affected by § 280-9B Site plan review)

SC = Special conditions apply

SPB = Special authorization by the Town Planning Board

STB = Special authorization by the Town Board

NP = Not permitted

Land Use or Activity	District							Reference Notes
	A-1	A-2	R-1	R-2	R-3	B-1	IND	
A. Residential Uses								
1. Dwelling, single-family	P	P	P	P	P	NP	NP	
2. Dwelling, two-family	NP	NP	NP	P	NP	NP	NP	
3. Dwelling, multifamily	NP	NP	NP	SPB	NP	NP	NP	§ 280-11B and C(1)
4. Dwelling, mobile	SC	SC	SC	SC	SC	SC	SC	§ 280-10B
5. Group residence	NP	NP	NP	STB	NP	NP	NP	§ 280-11D (See definitions.)
6. Accessory use or structure related to residential use	P	P	P	P	P	NP	NP	
7. Dwelling, ECHO housing	STB	STB	STB	STB	STB	NP	NP	§ 280-11D. (See definitions.)
8. Dwelling, townhouse	NP	NP	NP	SPB	NP	NP	NP	§ 280-11C(1)
9. Retirement housing	NP	NP	SPB	SPB	NP	SPB	NP	§ 280-11C(1) (See definitions.)
10. Cluster housing	SPB	SPB	SPB	SPB	SPB	NP	NP	See Definitions.
B. Community Uses								
1. Community center	NP	NP	NP	NP	NP	SPB	SPB	§ 280-11B
2. Public or private school	NP	SPB	SPB	NP	NP	NP	NP	§ 280-11B
3. Religious uses	SPB	SPB	NP	NP	NP	NP	NP	§ 280-11C(2)
4. Cemetery	SPB	SPB	NP	NP	NP	NP	NP	§ 280-11B
5. Public park, playground	P	P	P	P	P	P	P	
C. Business Uses								
1. Agriculture uses	P	P	P	NP	NP	SP	P	See definitions.
2. Roadside stand	SC	SC	SC	SC	SC	NP	SC	§ 280-10C (See definitions.)
3. Retail business benefitting from good highway access but not listed in this Schedule	NP	NP	NP	NP	NP	SPB	SPB	§ 280-11C(3)
4. Mini-commercial warehouse for self storage and warehouse	NP	NP	NP	NP	NP	SPB	SPB	§ 280-11C(4)
5. Nursing home	NP	NP	NP	SPB	NP	NP	SPB	§ 280-11B
6. Day-care facility	NP	NP	SPB	SPB	SPB	NP	NP	§ 280-11B (See definitions.)
7. Commercial animal facility	SPB	SPB	NP	NP	NP	NP	SPB	§ 280-11C(5)

Land Use or Activity	District							Reference Notes
	A-1	A-2	R-1	R-2	R-3	B-1	IND	
8. Funeral home	NP	NP	SPB	SPB	NP	SPB	NP	§ 280-11B
9. Medical center	NP	NP	NP	NP	NP	SPB	SPB	§ 280-11B
10. Accessory use or structure related to business use	SPB	SPB	NP	NP	NP	SPB	SPB	§ 280-11B
11. Motel	NP	NP	NP	NP	NP	SPB	SPB	§ 280-11B(6)
12. Bed-and-breakfast	SPB	SPB	SPB	SPB	SPB	SPB	NP	§ 280-11C(7)
13. Nursery school	SPB	SPB	SPB	SPB	NP	NP	NP	§ 280-11C(8)
14. Commercial stable	P	P	NP	NP	NP	NP	NP	See definitions.
15. Drive-in or drive-through business	NP	NP	NP	NP	NP	SPB	NP	§ 280-11C(9)
16. Commercial off-season storage of boat, snowmobile, RV and similar vehicle	SPB	SPB	NP	NP	NP	NP	STP	§ 280-11B for A-1 and A- 2 § 280-11D for IND
17. Off-site parking facility	SPB	SPB	SPB	SPB	SPB	SPB	SPB	§ 280-11C(10)
18. Gasoline service station	NP	NP	NP	NP	NP	NP	STB	
D. Business/Industry								
1. Wholesale business	NP	NP	NP	NP	NP	NP	P	
2. Manufacturing business	NP	NP	NP	NP	NP	NP	P	
3. General processing, assembly	NP	NP	NP	NP	NP	NP	P	
4. Truck or motor freight terminal	NP	NP	NP	NP	NP	NP	STB	§ 280-11D(3)
5. Use of accessory farm buildings for farm-related business	P	P	NP	NP	NP	NP	STP	§ 280-11D
6. Scientific research laboratory	NP	NP	NP	NP	NP	STB	STB	§ 280-11D(4)
E. Miscellaneous Uses								
1. Sign	SC	SC	SC	SC	SC	SC	SC	§§ 280-9D and 280-10D
2. Home occupation	SC	SC	SC	SC	SC	SC	SC	§ 280-10D
3. (Reserved)								
4. Wind power and other alternate domestic energy sources, except solar	STB	STB	STB	STB	STB	STB	STB	§ 280-11.2
5. Telecommunications tower and related accessory equipment	STB	STB	STB	NP	NP	STB	STB	§ 280-11D(5)
6. Utility structure	STB	STB	STB	STB	STB	STB	STB	§ 280-11D(6) (See definitions.)
7. Swimming pool	SC	SC	SC	SC	SC	SC	SC	§ 280-10F (See definitions.)
8. Adult-oriented business	NP	NP	NP	NP	NP	NP	STB	See Town Law
9. Mining	NP	NP	NP	NP	NP	NP	NP	Subject to agreement between the Town and Valley Realty in April 2001 ²
10. Renewable energy facilities	See Reference Note	See Reference Note	See Reference Note	See Reference Note	See Reference Note	See Reference Note	See Reference Note	Such facilities shall include without limitation wind energy systems (§ 280-11.2).
11. Solar energy systems	STB	STB	STB	STB	STB	STB	STB	Rate 1; see § 280-11.3

Notes:

¹ (Reserved)

² Editor's Note: Supreme Court settlement.

¹ Editor's Note: Subsequently amended pursuant to L.L. No. 1-2018, adopted 7-12-2017.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2024 of the ~~(County)(City)(Town)(Village)~~ of TULLY was duly passed by the TOWN BOARD on _____ 2024, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local *(Elective Chief Executive Officer*)* law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: _____

(Seal)